

## REMARKS

By this Amendment, a minor change has been made in the specification. In the claims, various clarifying corrections have been made to overcome the § 112 rejection. It is submitted that the present application is in condition for allowance for the following reasons.

In the *Priority* section of the Detailed Action, the examiner noted the claim for foreign priority but indicated that applicant has not filed a certified copy of this priority application. It is assumed that this indication has been made in error in this national stage (§371) application. It will be noted that a certified copy was ordered by applicant as part of the PCT international stage filing (see the PCT Request). The receipt in the international stage application is evidenced by the US Receiving Office in the Notification of Missing Requirements dated 12/05/2001, where it is indicated that the priority document has been received (via the international stage filing). While the subsequently issued Notice of Acceptance dated 01/15/2002 does not list the priority document as having been received, it is submitted that this later listing is incorrect - and is possibly the source of the examiner's statement. If the examiner requires further evidence of the filing of the priority document in the international stage other than what is evidently already present in the file wrapper, please contact the undersigned as soon as practical.

In the *Claim Rejections - 35 USC § 112* section, various claims were rejected for being indefinite for various noted reasons. By this Amendment, all of the claims have been reviewed and revised in a self-evident manner to overcome the noted problems and other such problems of a similar or same nature or otherwise to better conform to

US practice, and hence to particularly point out and distinctly claim the subject matter of the present invention. It will be noted that: the "means for remote activation" of claims 31 and 32 (as well as claims 24, 29, 30 and 41) finds antecedent basis in claim 26 from which they depend. It will also be noted that (a) the "magnet or ferromagnetic element" recitation of claim 1 and other claims which lead to a problem with the use of "magnet" later has been changed to "magnetic or ferromagnetic element" in order to provide antecedent basis for "element" sometimes used subsequently; and (b) the term "magnet" has been changed where appropriate to "magnetic element" for better clarity, and that the specification has also been amended to make clear that the term magnetic element refers to magnets. It is thus submitted that the present claims are definite, so that the rejection for indefiniteness under § 112 is no longer applicable and should be withdrawn.

In the *Allowable Subject Matter* section, claims 1-6, 8-11, 13, 21-24, 34, 35, 44 and 47 were indicated as being allowable, while claim 33 was indicated as being allowable if rewritten to overcome the § 112 rejection. This indication of allowable subject matter is appreciated, and as claim 33 has been revised to overcome the § 112 rejection, that claim should also now be allowable.


Further, as the remaining claims were only rejected under § 112 and all of these claims depend ultimately from allowable independent 1, these claims should also now be allowable. Thus, all of claims 1-49 pending in this application are now allowable.

The references which were cited but not applied have been reviewed but are not believed to be pertinent to the patentability of the present invention.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Respectfully submitted,

Date: 15 July 2003

  
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**ATTACHMENT A**  
**Amendments to the Specification**

*Please replace the paragraph at page 1, lines 16-19 with the following amended paragraph.*

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B, In what follows the term ferromagnetic element shall be used to designate soft materials, the term magnet or magnetic element being used to designate hard materials which therefore form permanent magnets.

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## ATTACHMENT B Amendments to the Claims

*This listing of claims will replace all prior versions, and listing, of claims in the application.*

1. (currently amended) A device (~~1, 8, 13, 22~~) for holding together, adjusting, fitting or fastening parts of a garment, shoe, or any other accessory, wherein comprising:
- \_\_\_\_\_ a first part (~~2~~) containing at least one first sheath (~~3, 9, 15, 16, 24~~) in which at least one first magnetic or ferromagnetic element (~~4, 11, 17, 24~~) is inserted, these first element being movable inside the said first sheath, and
- \_\_\_\_\_ a second part (~~5~~) containing at least one second magnetic or ferromagnetic element (~~6, 12, 18, 30~~) subject or submitted to the magnetic attraction of the first magnetic or ferromagnetic element of the first part,
- \_\_\_\_\_ wherein the first and second parts are used to hold together, adjust, fit or fasten the garment, shoe or accessory when one of the first and second parts (~~2, 5~~) is activated by a user to work in conjunction with the other part, a multitude of adjustments or alterations being possible through the sliding of the first magnetic or ferromagnetic element in the said first sheath.
2. (currently amended) A device as claimed in claim 1, wherein the second magnetic or ferromagnetic element (~~12~~) is itself included and movable in a second sheath belonging to the second part.
3. (currently amended) A device as claimed in claim 1, wherein the second magnetic or ferromagnetic element (~~6, 18, 30~~) is attached to the second part.
4. (currently amended) A device as claimed in claim 1, wherein the first part and/or second part (~~14, 22, 23~~) have two sheathes.

5. (currently amended) A device as claimed in claim 1, wherein one of the first and second parts is at least in part formed by a strap ~~(333, 334, 330)~~ or braces ~~(264)~~.

6. (currently amended) A device as claimed in claim 5, wherein at least one of the first and second magnetics or ferromagnetic elements is formed by a ~~magnetised~~magnetized or ferromagnetic area on ~~the~~ said braces or strap belonging to the first or second corresponding part.

B2 7. (currently amended) A device as claimed in claim 1, wherein ~~one or more~~the at least one magnetics or ferromagnetic elements ~~(34)~~ of ~~a~~one of the first or second parts of the device, ~~are~~is concave in shape, and the at least one magnetic(s) or ferromagnetic element~~(s)~~ ~~(35)~~ of the other of the first and second parts is~~(are)~~ convex in shape and complementary to the ~~said~~ concave shape of the at least one magnetic or ferromagnetic elements of the one of the first or second parts.

8. (currently amended) A device as claimed in claim 1, wherein one or more of the magnetics or ferromagnetic elements ~~(4, 6, 11, 12, 17, 18, 25, 30)~~ are flat, trapezoid, rectangular, circular or triangular in shape.

9. (currently amended) A device as claimed in claim 8, wherein at least one magnetic or ferromagnetic element ~~(35, 41)~~ of one part is cylindrical.

10. (currently amended) A device as claimed in claim 9, wherein the corresponding magnetic or ferromagnetic element of the other part is flat.

11. (currently amended) A device as claimed in claim 9, wherein the corresponding magnetic or ferromagnetic element ~~(48, 52)~~ of the other part is cylindrical.

12. (currently amended) A device as claimed in claim 1, ~~wherein it contains the~~ further including a means (55) for mechanically moving the first sheath~~(es)~~.

13. (currently amended) A device as claimed in claim 1, wherein at least one of the first and second parts has a series ~~(67)~~ of at least two magnetics or ferromagnetic elements ~~(68, 69)~~ hinged together.

14. (currently amended) A device as claimed in claim 1, wherein at least one of the magnetelements ~~(70, 71)~~ is surface-~~polarised~~polarized.

B<sub>2</sub> 15. (currently amended) A device as claimed in claim 1, wherein the ~~a~~polarisation~~polarization~~ of at least one of the magnetelements is axial ~~(78)~~, parallel to the sheath.

16. (currently amended) A device as claimed in claim 1, wherein at least one of the magnetelements ~~(72, 73, 79, 80, 81, 82, 83)~~ is multipolar.

17. (currently amended) A device as claimed in claim 1, ~~wherein it contains~~further including at least two of the first magnetelements ~~(80, 81, 82, 83)~~ in the same first sheath, which two first elements are of opposite ~~polarisation~~polarization.

18. (currently amended) A device as claimed in claim 1, wherein each magnetelement ~~(85)~~ is associated with an anti-magnetic protection component ~~(86, 77, 91, 105)~~.

19. (currently amended) A device as claimed in claim 1, wherein at least one magnetelement ~~being~~ is multipolar, and it said at least one element is sandwiched between two blocking parts ~~(91)~~ used to block the magnetic flux.

20. (currently amended) A device as claimed in claim 1, wherein one of the first and second magnetelements ~~being of~~ has a width-d 'd', and wherein a the structural thickness of the device between the magnet and ferromagnetic first and second elements is less than  $d/12$ .

21. (currently amended) A device as claimed in claim 1, wherein at least one magnetic or ferromagnetic element is glued, welded or embedded on a support plate (93, 96, 104).

22. (currently amended) A device as claimed in claim 1, wherein the first sheath also has a strip of ferromagnetic cloth (108) along all or part of its a length thereof.

B<sub>2</sub> 23. (currently amended) A device as claimed in claim 1, wherein the first sheath also has stitches sewn with ferromagnetic conductor wire (112) along at least part of its a length thereof.

24. (currently amended) A device as claimed in claim 1, wherein the magnetic or ferromagnetic elements (114) have rounded edges (115).

25. (currently amended) A device as claimed in claim 1, wherein the magnets elements are produced from the a family of rare earths of the a type Neodymium Iron Boron type.

26. (currently amended) A device as claimed in claim 1, ~~wherein it contains the~~ further including a means (120, 137, 308, 331, 362) to activate the first movable magnetic(s) or ferromagnetic element(s) remotely.

27. (currently amended) A device as claimed in claim 26, wherein the means for remote activation contain ~~the a~~ means for ~~motorisation~~ motorization of ~~the~~ at least one of the first movable magnetic or ferromagnetic ~~part~~ element, allowing the a mechanical movement of the corresponding first sheath(es).

28. (currently amended) A device as claimed in claim 27, ~~wherein it contains~~ further including the a means for ~~motorisation~~ motorization of at least one first



and at least one second magnetic or ferromagnetic element, which is capable of working in conjunction with the at least one first element.

29. (currently amended) A device as claimed in claim 28, wherein the means for remote activation include a microprocessor; which is used for automatic adjustment so that ~~the~~ an item can be adapted during use, by limiting tightening, and thus ensuring optimum adjustment.

Bz 30. (currently amended) A device as claimed in claim 29, wherein the means for remote activation also include ~~the~~ a means for storing different adjustments, corresponding to different users or situations.

31. (currently amended) A device as claimed in claim 26, wherein the means for remote activation include a photoelectric sensor ~~(144)~~, and/or a temperature sensor, and/or a humidity sensor.

32. (currently amended) A device as claimed in claim 26, wherein the means for remote activation include an elastic or spring-operated traction system ~~(161, 164, 160, 162)~~ using attached or connected to the first movable magnetic or ferromagnetic element, and capable of acting through the corresponding first sheath, and a system for locking the said traction system in one or more preset positions.

33. (currently amended) A device as claimed in claim 32, wherein the traction system is attached to the first sheath, or passes through ~~the~~ said first sheath.

34. (currently amended) A device as claimed in claim 1, wherein at least one ~~magnet~~ element ~~(210)~~ is a magnet which is formed from a block drilled along its ~~an~~ axis thereof with at least one cylindrical hole ~~(211)~~ and containing, on ~~the~~ a side of one of its ~~the~~ surfaces thereof, a transverse channel ~~(212)~~ parallel to ~~the~~ said surface and through which sewing thread can be run entirely below ~~the~~ said surface.

35. (currently amended) A device as claimed in claim 1, wherein at least one magnetic element is formed from a block drilled along ~~its~~ an axis thereof with at least one cylindrical hole and containing, on ~~the~~ a side of one of its the surfaces thereof, a cupel (222) through which sewing thread can be run entirely below ~~the~~ said surface.

36. (currently amended) A device as claimed in claim 34, wherein the magnet has two cylindrical holes ~~(212, 212')~~.

37. (currently amended) A device as claimed in claim 34, wherein the magnet(s) are covered with an anti-magnetic sheath on at least one surface.

B2 38. (currently amended) A device as claimed in claim 1, ~~wherein it also contains~~ the further including a means (234, 235, 236) for detecting and signalling that the parts of the garment, shoe or any other accessory are correctly fastened or fitted.

39. (currently amended) A device as claimed in claim 38, wherein the detection and signalling ~~system~~ means contains a circuit of conductor wires connected to the magnetics or ferromagnetic elements, ~~the said magnetics~~ or ferromagnetic elements acting as contactors to close the circuit.

40. (currently amended) A device as claimed in claim 38, further including a ~~wherein it also contains the~~ means for triggering an alarm or sending a command if specific preset conditions are complied or not complied with.

41. (currently amended) A device ~~for a shoe~~ as claimed in claim 27, wherein the accessory is a shoe; and wherein the means for remote activation include a switch located in the a sole of the shoe, which can be activated by the user when he puts his foot in the shoe, this allowing automatic adjustment of the shoe.

42. (currently amended) A device ~~for adjusting the hem of a garment~~, as claimed in claim 1,

wherein the accessory is a garment with a hem which is adjusted; and  
wherein the sheath is extended by a piece of fabric to which the second magnetic or ferromagnetic element is attached.

43. (currently amended) A device as claimed in claim 42, wherein ~~it the garment~~ is weighted inside the hem.

44. (previously presented) A shoe, containing a device as claimed in claim 1.

B<sub>2</sub> 45. (currently amended) A shoe as claimed in claim 44, ~~wherein it is comprised of further including:~~

three solid sections, namely a right section (332), a left section (331) and a central section (333), and

two open sections, each one respective open section separating the two respective solid sections on either side thereof it, and the device containing

at least one strap (334) fixed to the a middle on the central section and fitted on both sides with sheathes (326) containing movable magnets (325), which said strap is used to bring the right and left sections towards the central section, in order to adjust tightening of the shoe.

46. (currently amended) A device shoe as claimed in claim 27,

wherein the accessory is a shoe; and

further including:

wherein it is comprised of three solid sections, namely, a right section (332), a left section (331) and a central section (333), and

two open sections, each one respective open section separating the two respective solid sections on either side thereof it, the device containing

at least one strap (334) fixed to the a middle on the central section and fitted on both sides with sheathes (326) containing movable magnets (325), which said

strap is used to bring the right and left sections towards the central section, in order to adjust tightening of the shoe; and

wherein the device has at least one adjustment strap (330) containing a magnetic or ferromagnetic part which disappears into ~~the~~ a wall of the shoe, such that the motorisation~~motorization~~ system means being is capable of pulling or releasing the said adjustment strap automatically.

B<sub>2</sub>  
47. (previously presented) A garment, containing a device as claimed in claim 1.

48. (currently amended) A garment as claimed in claim 3847, further including ~~wherein it contains a cloth, the~~ a weft (401) of which said cloth is threaded with conductor wire connected to an alarm used to signal if the wire is cut and therefore that the garment is damaged.

49. (currently amended) An accessory such as braces or belts, bags, ~~organisers~~ organizers and ~~other types of~~ leather goods, wherein ~~it~~ the accessory contains a device as claimed in claim 1.

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